

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1755.01
COMPLAINT INVESTIGATOR: Brenda Alyea
DATE OF COMPLAINT: May 17, 2001
DATE OF REPORT: June 13, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: August 30, 2001

COMPLAINT ISSUES:

Whether the MSD Warren Township violated:

511 IAC 7-27-2(a) with regard to the school's alleged failure to schedule a case conference meeting at a mutually agreed upon date, time, and place.

FINDINGS OF FACT:

1. The student is eleven years old and attends school as a third grader. He is eligible for special education and related services as a student with an emotional handicap and a learning disability.
2. On January 19, 2001, the School provided inservice to staff, including the Student's TOR, on the procedures for annual case reviews. The School provided information on its standard *Notice of Case Conference Committee Meeting* form and its requirement of a minimum of three contacts with the parent in arranging the case conference committee meeting (including at least one telephone contact). The School provided the dates that annual case reviews were to be scheduled for each of the buildings in the school district. The TOR states the inservice participants were told that CCC meetings were to be convened as scheduled, even in the parent's absence. The Superintendent states the School's intent and practice is "to be very flexible and establish mutually convenient conferences."
3. The TOR sent a form letter to the Complainant regarding the parent-teacher conference scheduled for February 8, 2001. Included with this letter was a form indicating that the Student's annual case review had been scheduled for March 19, 2001. The letter instructed the Complainant to indicate her first three choices of time "slots" from a list of ten. The letter also advised the Complainant to "make sure that whatever time you choose you are able to attend. There will not be any rescheduling."
4. On February 8, 2001, the TOR sent the Complainant a *Notice of Case Conference Committee Meeting*, scheduling the CCC for March 19, 2001 at 2:00. The *Notice* reflects that the TOR made the first contact with the Complainant on February 8, 2001, at a parent-teacher conference, and they agreed on the time of the CCC. The Notice requests the parent contact the school if he or she cannot attend. The Complainant attend the CC on March 19, 2001.

CONCLUSIONS:

Findings of Fact #2, #3, and #4 indicate that the School determined the dates annual CCC meetings were to be conducted. The TOR's correspondence with the parent indicated there was no flexibility with the date for the CCC meeting, but allowed some choice as to the time the CCC would be convened. Although the

Complainant was able to attend the CCC on the date established by the School, the information provided the Complainant indicated that she did not have the option of scheduling the CCC on a different date. Therefore, a violation of 511 IAC 7-27-2(a) is found.

The Department of Education, Division of Special Education requires corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The MSD of Warren Township shall:

1. Review and, if necessary, revise its policies and procedures to ensure that CCC meeting are scheduled for a date, time and location that is mutually agreed upon by the parent. A copy of the policies and procedures shall be submitted to the Division no later than September 4, 2001.
2. Send a memorandum to appropriate staff that CCC meetings are to be scheduled for a date, time, and location that is mutually agreed upon by the parent. A copy of the memorandum and the names and titles of staff to whom it was sent shall be submitted to the Division no later than September 4, 2001.

DATE REPORT COMPLETED: June 13, 2001